Stephen M. Doniger, Esq. (SBN 179314) 1 Email: Stephen@DonigerLawFirm.com Scott A. Burroughs, Esq. (SBN 235718) 2 Email: Scott@DonigerLawFirm.com 3 DONIGER / BURROUGHS APC 300 Corporate Pointe, Suite 355 4 Culver City, California 90230 Telephone: (310) 590-1820 Facsimile: (310) 417-3538 6 Attorneys for Plaintiff 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 UNITED FABRICS INTERNATIONAL, Case No. 1 02541 DSF PLAN 11 INC., a California Corporation, 12 PLAINTIFF'S COMPLAINT FOR: 13 Plaintiff, 1. COPYRIGHT INFRINGEMENT; 14 2. VICARIOUS AND/OR VS. CONTRIBUTORY COPYRIGHT 15 INFRINGEMENT DESIGN COLLECTION, INC., a 16 California Corporation; ROSS STORES, 3. VIOLATION OF 17 U.S.C. § 106(2); and INC., a California Corporation; G.S.L., 17 INC., a California Corporation; JODI 4. BREACH OF CONTRACT 18 KRISTOPHER, INC., a New York 19 Corporation; PRIDE & JOYS, INC., a Jury Trial Demanded New York Corporation; LARRY 20 HANSEL CLOTHING, LLC, a New York 21 Corporation; MACYS RETAIL HOLDINGS, INC., an Ohio Corporation; 22 and DOES 1-10, 23 Defendants. 24 25 26

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COMPLAINT

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Plaintiff, UNITED FABRICS INTERNATIONAL, INC. (hereinafter "UFI" or "Plaintiff"), by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

INTRODUCTION

Plaintiff creates and obtains rights to unique two-dimensional graphic artworks for use on textiles, which textiles are transacted primarily in the fashion industry. Plaintiff owns these designs in exclusivity and makes sales of products bearing these designs for profit. Plaintiff's business is predicated on its ownership of these designs and it spends a considerable amount of time and resources creating and obtaining top-quality, marketable and aesthetically-appealing designs. Ongoing and potential customers of Plaintiff obtain design samples from the company with the understanding and agreement that they will only utilize UFI to reproduce said designs should they wish to do so, and will not seek to print the designs elsewhere, or make minor changes to Plaintiff's proprietary work to reproduce the same elsewhere. Despite this agreement, and UFI's exclusive ownership of the copyrights in its designs, parties will still exploit and print UFI's exclusive designs through third parties domestically and abroad. The defendants in this case have imported, purchased and sold without permission product bearing Plaintiff's proprietary, registered textile designs.

JURISDICTION AND VENUE

- 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 et seq.
- 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
- 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

- 4. Plaintiff UFI is a corporation organized and existing under the laws of the State of California with its principal place of business in Los Angeles County.
- 5. Plaintiff is informed and believes and thereon alleges that Defendant DESIGN COLLECTION, INC. ("DCI") is a corporation organized and existing under the laws of the State of California and doing business in and with the state of California.
- 6. Plaintiff is informed and believes and thereon alleges that Defendant ROSS STORES, INC. ("ROSS") is a corporation organized and existing under the laws of the State of California and doing business in and with the state of California.
- 7. Plaintiff is informed and believes and thereon alleges that Defendants G.S.L, INC. and JODI KRISTOPHER, INC. (collectively "JKI") are related corporations organized and existing under the laws of the State of New York and doing business in and with the state of California.
- 8. Plaintiff is informed and believes and thereon alleges that Defendant LARRY HANSEL CLOTHING, LLC. ("LHCL") is a limited liability company organized and existing under the laws of the State of New York and doing business in and with the state of California.
- 9. Plaintiff is informed and believes and thereon alleges that Defendant PRIDE & JOYS, INC. (PJI") is a limited liability company organized and existing under the laws of the State of New York and doing business in and with the state of California.
- 10.Plaintiff is informed and believes and thereon alleges that Defendant MACY'S RETAIL HOLDINGS, INC. ("MACYS") is a corporation organized and existing under the laws of the State of Ohio and doing business in and with the state of California.

 11. Plaintiff is informed and believes and thereon alleges that Defendant DOES 1-5, inclusive, is a manufacturer, and/or a vendor (and/or agent or employee to a manufacturer or vendor) of garments to Defendant, which DOE Defendants have manufactured and/or supplied and are manufacturing and/or supplying fabrics and other product printed with Plaintiff's copyrighted designs (as hereinafter defined) without Plaintiff's knowledge or consent or have contributed to said infringement. The true names, whether corporate, individual or otherwise of Defendants DOES 1-10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names and will seek leave to amend this complaint to show their true names and capacities when same have been ascertained.

- 12. Defendants DOES 6 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.
- 13. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each and every violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

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14. Plaintiff is informed and believes and thereon alleges that this case resulted from DC's obtainment, modification, and sale of product bearing at least two of UFI's copyrighted textile designs. Plaintiff is informed and believes that DC had knowledge of UFI's ownership of the designs at issue prior to engaging in the aforesaid conduct.

CLAIMS RELATED TO SPIKE

- 15. Plaintiff owns a United States Copyright Registration covering a twodimensional textile design it has internally designated as SPIKE ("Subject Design A"). A true and correct copy of Subject Design A, as well as a registration covering same, is attached hereto as Exhibit 1. This design was offered for sale prior to the acts complained of herein, and is owned exclusively by the Plaintiff.
- 16. Plaintiff is informed and believes and thereon alleges that Defendants, including without limitation DCI, PJI, and LHLLC, took access to and received a sample of Subject Design A directly from Plaintiff, or one of its representatives, or an intermediary, prior to the acts alleged herein.
- 17. Plaintiff's investigation revealed that ROSS and MACYS were purchasing, distributing and selling for profit, garments which bore a textile print that was substantially similar to Subject Design A (hereinafter "Accused Product A"). An exemplar of one such ROSS garment, and one such MACYS garment, are attached hereto as Exhibit 2.
- 18. Upon information and belief, Plaintiff alleges that Accused Product A was provided, distributed, and/or sold to ROSS by PJI and to MACYS by LHLLC.
- 19. Upon information and belief, Plaintiff alleges that Accused Product A was provided, distributed, and/or sold to PJI and LHLLC by DC.
- 20. Prior to the alleged infringement, Plaintiff had formatted Subject Design A for use on textiles, sampled Subject Design A to prospective customers and negotiated sales of fabric bearing Subject Design A.

21. Plaintiff is informed and believes and thereon alleges that, without Plaintiff's authorization, Defendants, and each of them, purchased, sold, manufactured, caused to be manufactured, imported and/or distributed Accused Product A and/or fabric and/or garments comprised of fabric featuring a design which is identical to, or substantially similar to, Subject Design A.

CLAIMS RELATED TO SUFFICIENT

- 22. Plaintiff owns a United States Copyright Registration covering a two-dimensional textile design it has internally designated as SUFFICIENT ("Subject Design B"). A true and correct copy of Subject Design B, as well as a registration covering same, is attached hereto as Exhibit 3. This design was offered for sale prior to the acts complained of herein, and is owned exclusively by the Plaintiff.
- 23. Plaintiff is informed and believes and thereon alleges that Defendants, including without limitation DCI and JKI, took access to and received a sample of Subject Design B directly from Plaintiff, or one of its representatives, or an intermediary, prior to the acts alleged herein.
- 24. Plaintiff's investigation revealed that ROSS was purchasing, distributing and selling for profit, garments which bore a textile print that was substantially similar to Subject Design B (hereinafter "Accused Product B"). An exemplar of one such ROSS garment is attached hereto as Exhibit 4.
- 25. Upon information and belief, Plaintiff alleges that Accused Product B was provided, distributed, and/or sold to ROSS by JKI.
- 26. Upon information and belief, Plaintiff alleges that Accused Product B was provided, distributed, and/or sold to JKI by DC.
- 27.Prior to the alleged infringement, Plaintiff had formatted Subject Design B for use on textiles, sampled Subject Design B to prospective customers and negotiated sales of fabric bearing Subject Design B.

- 28. Plaintiff is informed and believes and thereon alleges that, without Plaintiff's authorization, Defendants, and each of them, purchased, sold, manufactured, caused to be manufactured, imported and/or distributed Accused Product B and/or fabric and/or garments comprised of fabric featuring a design which is identical to, or substantially similar to, Subject Design B.
- 29. Subject Design A and Subject Design B will be collectively referred to as "Subject Designs." Accused Product A and Accused Product B will be collectively referred to as "Accused Products."

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants)

- 30. Plaintiff repeats, re-alleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 31. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Designs, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Designs by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to legitimate UFI fabric in the marketplace; and (d) access to Plaintiff's strike-offs and samples.
- 32.Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailer, and each of them, and supplied garments to said retailer, which garments infringed the Subject Designs in that said garments were composed of fabric which featured an unauthorized print design that was identical or substantially similar to the Subject Designs.

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33. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Designs and by producing, distributing and/or selling fabric and/or garments which infringe the Subject Designs through a nationwide network of retail stores and on-line outlets.

- 34. Due to Defendants' acts of infringement, Plaintiff has suffered substantial damages to its business in an amount to be established at trial.
- 35. Due to Defendants' acts of infringement, Plaintiff has suffered general and special damages in an amount to be established at trial.
- 36. Due to Defendants' acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Designs. As such, Plaintiff is entitled to disgorgement of Defendant's profits directly and indirectly attributable to Defendant's infringement of the Subject Designs in an amount to be established at trial.
- 37. Plaintiff is informed and believes and thereon alleges that the infringement of UFI's copyrighted designs was willful, reckless, and/or in blatant disregard for UFI's rights as a copyright holder, and as such claims willful, exemplary and enhanced statutory damages.

SECOND CLAIM FOR RELIEF

(For Vicarious and/or Contributory Copyright Infringement - Against All Defendants)

- 38. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 39. Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in and profited from the illegal

reproduction and/or subsequent sales of product featuring the Subject Designs as alleged hereinabove.

- 40.Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.
- 41.By reason of the Defendants', and each of their, acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.
- 42. Due to Defendants' acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Designs. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Designs, in an amount to be established at trial.
- 43. Plaintiff is informed and believes and thereon alleges that the infringement of UFI's copyrighted designs was willful, reckless, and/or in blatant disregard for UFI's rights as a copyright holder, and as such claims willful, exemplary and enhanced statutory damages.

THIRD CLAIM FOR RELIEF

(For Violation of 17 U.S.C. 106(b) - Against DC)

44.Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

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- 45. Plaintiff is informed and believes and thereon alleges that Defendant DC obtained an exemplar of both of the Subject Designs, and obtained such exemplars with knowledge that they belonged to Plaintiff and/or that they were copyrighted by Plaintiff or another party.
- 46. Plaintiff is informed and believes and thereon alleges that DC, with the knowledge set forth above, modified, revised, and changed the Subject Designs in subtle ways to create derivative works thereform. Plaintiff is informed and believes that these derivate works are still substantially similar to the Subject Designs, and contain no additional creative content.
- 47. The above machinations by DC were not authorized or made known to Plaintiff, violated 17 U.S.C. § 106(2), and caused Plaintiff damages in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

(For Breach of Contract - Against PJI and JKI)

- 48. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.
- 49. Prior to the infringement alleged herein, PJI and JKI took access to, and possession of, fabric and/or samples bearing at least one of the Subject Designs directly from Plaintiff. PJI and JKI received fabric and/or samples the Subject Designs only after expressly agreeing to Plaintiff's contractual restriction that PJI and JKI would seek Plaintiff's authorization before creating any product bearing any of the Subject Designs, and, if it was to create product bearing any of the Subject Designs, it would only do so only through Plaintiff.
- 50. Plaintiff and PJI and JKI further understood and agreed that PJI and JKI would not advertise, promote, or publish any of the Subject Designs, or fabric or garments bearing any of the Subject Designs, or a derivative thereof, unless the

products it was advertising, promoting, or publishing were authorized by Plaintiff,

Subject Designs, expressly and impliedly promised to seek authorization from

51. PJI and JKI, when receiving Plaintiff's samples and/or fabric bearing the

Plaintiff before using any of the Subject Designs in any manner, and promised to pay

Plaintiff for the use of the Subject Designs if it chose to use any of them in any way.

Designs to PJI and JKI, Plaintiff clearly indicated that PJI and JKI was receiving

samples of the Subject Designs with the condition that PJI and JKI was to tender to

Plaintiff the reasonable value of use of any of the Subject Designs if PJI and JKI was

PJI and JKI.

This promise to pay for use of one of the Subject Designs was discrete from PJI and JKI's promise not to infringe any of the Subject Designs.

52. Plaintiff provided the Subject Designs to PJI and JKI while negotiating a possible purchase by PJI and JKI of Plaintiff's products. When providing the Subject

and/or created from fabric for which Plaintiff was paid.

to make use of any of the Subject Designs.

53. Plaintiff and PJI and JKI engaged in the transactions set forth herein, wherein Plaintiff submitted the Subject Designs to PJI and JKI with the understanding and expectation, clearly understood by said parties, that Plaintiff would first authorize, and then be paid for, any use of any of the Subject Designs by

54. Plaintiff would not have disclosed the Subject Designs to PJI and JKI without PJI and JKI's agreement to the stipulations and conditions regarding Plaintiff's authorization of, and payment receipt for, any use of the Subject Designs by PJI and JKI.

55.Despite this knowledge and understanding, PJI and JKI created or had created, product bearing one or more of the Subject Designs, or a derivation thereof, and published, advertised, sold, and promoted such products. In doing so, PJI and JKI failed to seek Plaintiff's authorization before using the Subject Designs, and

failed to pay Plaintiff for use of the Subject Designs, in violation of the parties' express and implied agreements as to same.

56. Due to the above, Plaintiff has suffered general and special damages, in an amount to be established at trial.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

Against All Defendants

- 1. With Respect to Each Claim for Relief
 - a. That Defendants, their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Designs;
 - b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
 - c. That Plaintiff be awarded additional, enhanced, and elevated damages given the reckless and willful nature of the acts alleged;
 - d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
 - e. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foPJI and JKIing acts of infringement;
 - f. That Plaintiff be awarded pre-judgment interest as allowed by law;
 - g. That Plaintiff be awarded the costs of this action;
 - h. That Plaintiff be awarded general and special damages; and

Case	2:11-cv-02541-DSF-PEA Document 1 Filed 03/25/11 Page 13 of 34 Page ID #:17					
1	i. That Plaintiff be awarded such further legal and equitable relief as the					
2	Court deems proper.					
3	A <u>TRIAL BY JURY</u> PURSUANT TO FED. R. CIV. P. 38 AND					
4	CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.					
5	Respectfully submitted.					
6						
7	Dated: March 24, 2011 By:					
8	Scott A. Burroughs, Esq. DONIGER / BURROUGHS					
9	Attorneys for Plaintiff					
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28	13 COMPLAINT					

EXHIBIT 1



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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

JUN 0 1 2009

Register of Copyrights, United States of America

Registration Number:

VAu 980-258

Effective date of registration:

January 28, 2009

Title -

Title of Work: 2009 GEO-FLORAL COLLECTION I

Contents Titles: 4149, 4158, 4170, 4169, 4104, 4148, 4136, G272, G273, G276, G208, G213,

G259, 2141, 2116, 2161, 2158, 2145, 2157, 2147, 2108, 2111, 2110, 2170,

2164, 2132,

Completion/ Publication -

Year of Completion: 2008

Author

Author: UNITED FABRICS INTERNATIONAL, INC.

Author Created: 2-D artwork

Work made for hire: Yes

Domiciled in: United States

Copyright claimant

Copyright Claimant: UNITED FABRICS INTERNATIONAL, INC.

1723 SOUTH CENTRAL AVE., LOS ANGELES, CA, 90021, United States

Transfer Statement: By written agreement

Limitation of copyright claim -

Material excluded from this claim: 2-D artwork

Previous registration and year: PENDING 2008

VAu700-341 2006

New material included in claim: ADAPTATION OF DESIGN AND ADDITIONAL ARTISTIC WORK.

Rights and Permissions

Case 2:11-cv-02541-DSF-PLA Document 1 Filed 03/25/11 Page 17 of 34 Page ID #:21

Organization Name: UNITED FABRICS INTERNATIONAL, INC.

Name: SHAHARIAR SHAR SIMANTOB

Email: shar@unitedfabric.com

Telephone: 213749-820-0115

Address: 1723 SOUTH CENTRAL AVE.

LOS ANGELES, CA 90021 United States

Certification

Name: SHAHARIAR SHAR SIMANTOB

Date: January 28, 2009

EXHIBIT 2









EXHIBIT 3



Case 2:11-cv-02541-DSF-PLA Document 1 Filed 03/25/11 Page 25 of 34 Page ID #:29

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number VAu 1-029-370

> Effective date of registration: June 15, 2010

Title

Title of Work: 2010 GEO-FLORAL COLLECTION III

Contents Titles: 8574,8573, 8572, 8571, 8570, 8569, 8566, 8564, 8563, 8562, 8561, 8560,

8559, 8558, 8557, 8556, 8555, 8554, 6067, 4250, 4249, 2237, 2228, 0118,

0117, M128, M127, M126, A094, A093, A091, A090.

Completion/Publication

Year of Completion: 2010

Author

Author: UNITED FABRICS INTERNATIONAL, INC.

Author Created: 2-D artwork

Work made for hire: Yes

Citizen of: United States

Copyright claimant

Copyright Claimant: UNITED FABRICS INTERNATIONAL, INC.

1723 SOUTH CENTRAL AVE., LOS ANGELES, CA, 90021, United States

Limitation of copyright claim

Material excluded from this claim: 2-D artwork, PRINT FRESH 18-0272-HO, MUSTIC STYLE CH 9322, STUDIO 33 SP00900515, CONTROMODA BE00900661, STUDIO BERNINI A-12-B-17, LINEASTUDIO40434AR, CONTROMODA SAP0900511, MUSTIC STYLE CH 9322, ELLE2 DISEGNI 722085, MOSAIQUE 722047, LINEA STUDIO 40815, THE COLOR FIELD MC 6027, STUDIO BERNINI A-09-YY-4, STUDIO BERNINI B-03-D-69, LINEA STUDIO 40815, SR EUROPEAN DESIGN 718069, CONTROMODA-SEL0700345, CLASSY COLLECTION SMS0900805, THE COLOR FIELD MG2968, COLORFIELD KF1762, STUDIO BERNINI A-12-A-32, STUDIO BERNINI A-12-B-27.

Previous registration and year: Vau 1-019-076 2010

VA 1-013-536 2010

New material included in claim: 2-D artwork, ADAPTATION OF DESIGN AND ADDITIONAL ARTISTIC

WORK.

Rights and Permissions

Organization Name: United Fabrics International, Inc.

Name: SHAHARIAR SHAR SIMANTOB

Email: shar@unitedfabric.com Telephone: 213-749-8200

Address: 1723 SOUTH CENTRAL AVE

LOS ANGELES, CA 90021 United States

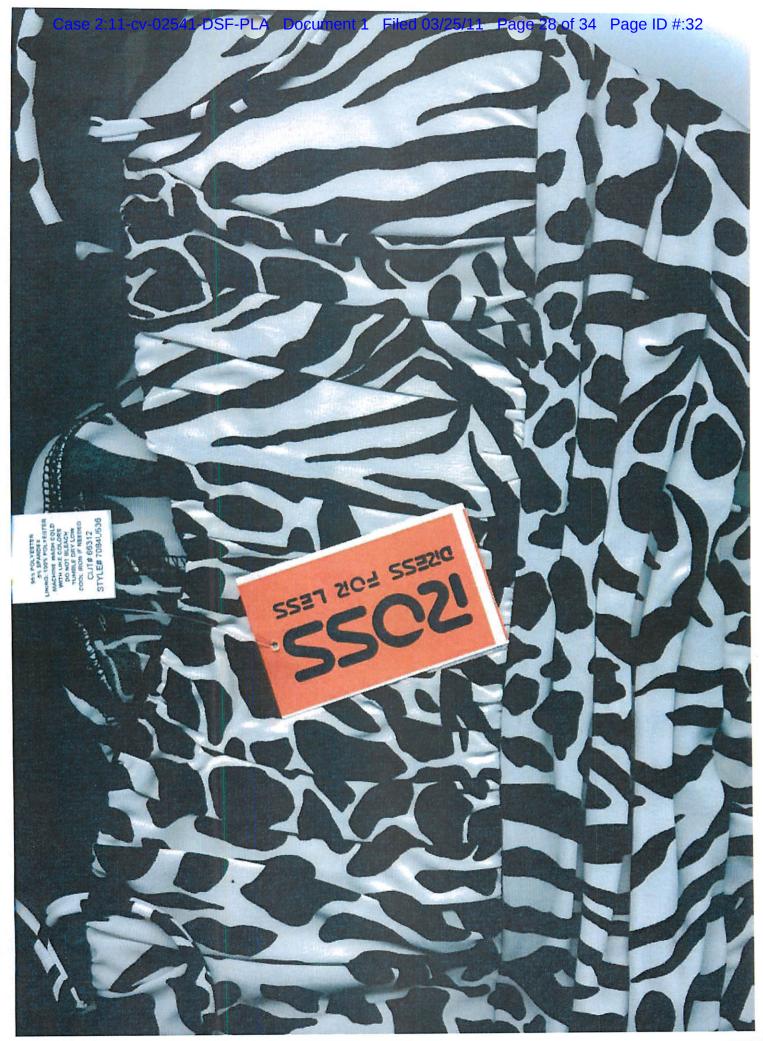
Certification

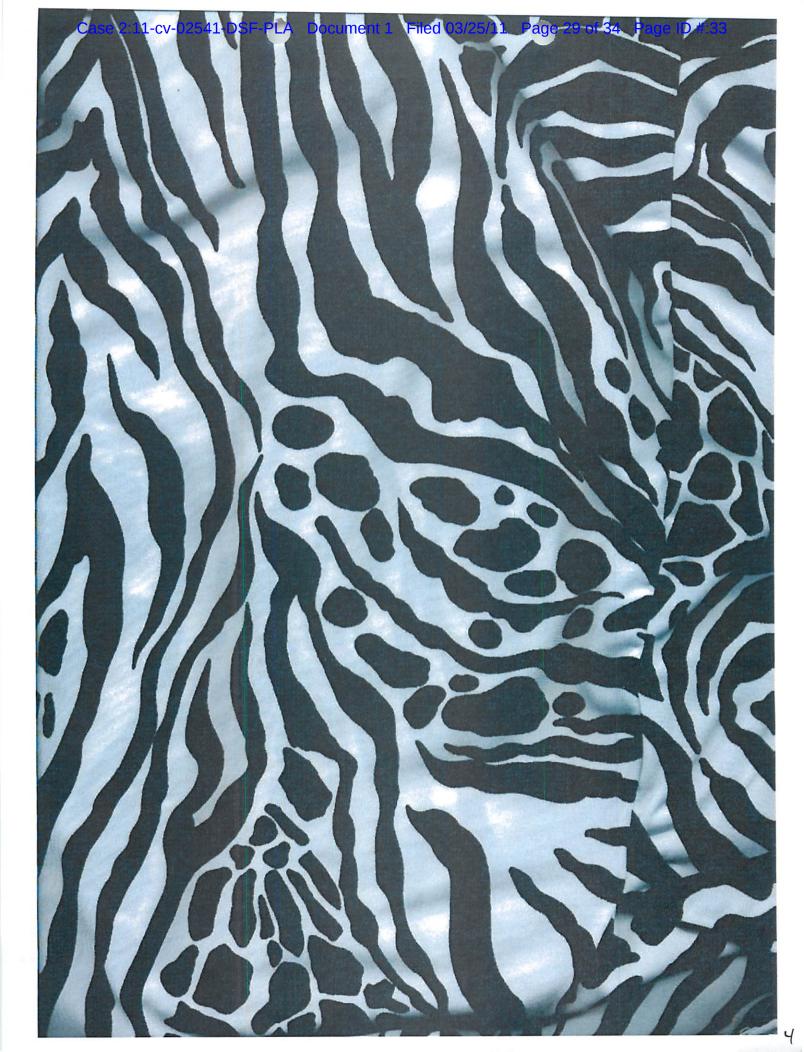
Name: SHAHARIAR SHAR SIMANTOB

Date: June 15, 2010



EXHIBIT 4





Stephen M. Doniger, Esq. (SBN 179314) Scott A. Burroughs, Esq. (SBN 235718)			
DONIGER / BURROUGHS APC			
300 Corporate Pointe, Suite 355			
Culver City, California 90230			
Telephone: (310) 590-1820			
UNITED STATES CENTRAL DISTRI	DISTRICT COUL		
UNITED FABRICS INTERNATIONAL, INC., a	CASE NUMBER		
California Corporation	Annaga	02511-05	F
PLAINTIFF(S)		02541 DSF	
v.			
DESIGN COLLECTION, INC., a California			
Corporation; et al.		SUMMONS	
(See Attached "Schedule A")			
DEFENDANT(S).	•		
A lawsuit has been filed against you. Within 21 days after service of this summormust serve on the plaintiff an answer to the attached counterclaim cross-claim or a motion under Rule	complaint □ 12 of the Federal Ru	amended complainules of Civil Procedure. The	nt ansv
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"SCHEDULE A"

UNITED FABRICS INTERNATIONAL, INC., a California Corporation,

Plaintiff,

VS.

DESIGN COLLECTION, INC., a California Corporation; ROSS STORES, INC., a California Corporation; G.S.L., INC., a California Corporation; JODI KRISTOPHER, INC., a New York Corporation; PRIDE & JOYS, INC., a New York Corporation; LARRY HANSEL CLOTHING, LLC, a New York Corporation; MACYS RETAIL HOLDINGS, INC., an Ohio Corporation; and DOES 1-10,

Defendants.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself UNITED FABRICS INTERNATIONAL, INC., a California Corporation				DEFENDANTS DESIGN COLLECTION, INC., a California Corporation; et al.				
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Scott A. Burroughs, Esq. (SBN 235718) scott@donigerlawfirm.com DONIGER / BURROUGHS APC 300 Corporate Pointe, Suite 355 Culver City, California 90230 (310) 590-1820				ttorneys (If Known)				
				III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)				
□ 1 U.S. Government Plaintiff	3 Federal C Government	Question (U.S. nent Not a Party)	Citizen of This Sta	PTF	DEF	Incorporated or P	rincipal Place	PTF DEF
☐ 2 U.S. Government Defendant		(Indicate Citizenships in Item III)	Citizen of Another	State 2	□ 2	Incorporated and of Business in An		5 🗆 5
			Citizen or Subject	of a Foreign Country 🗆 3	□ 3	Foreign Nation		□6 □6
IV. ORIGIN (Place an X in one	box only.)		11.30.11.20.20.20.20.20.20.20.20.20.20.20.20.20.					
	☐ 1 Original ☐ 2 Removed from ☐ 3 Remanded from ☐ 4 Reinstated or ☐ 5 Transferred from another district (specify): ☐ 6 Multi- ☐ 7 Appeal to District							
V. REQUESTED IN COMPLA	AINT: JURY D	DEMAND: EVYes	□ No (Check 'Yes' o	nly if demanded in complain	nt.)			
CLASS ACTION under F.R.C.	P. 23: □ Yes □	No	□ M	ONEY DEMANDED IN C	OMPLA	INT: S		
VI. CAUSE OF ACTION (Cite	the U.S. Civil St	atute under which you	are filing and write	a brief statement of cause.	Do not c	te jurisdictional sta	atutes unless diver	sity.)
VII. NATURE OF SUIT (Place	e an X in one box	conly.)						
OTHER STATUTES	CONTR	RACT	TORTS	TORTS		PRISONER	LABO	R
☐ 400 State Reapportionment	BOARD THE SHALL SHALL SHALL SHALL	STATE OF THE PERSON NAMED IN COLUMN	ERSONAL INJURY	PERSONAL		PETITIONS	☐ 710 Fair Labo	0 1 1
	□ 110 Insurance				Francisco Science		L 710 Tan Lack	r Standards
□ 410 Antitrust	☐ 120 Marine	□ 31	0 Airplane	PROPERTY	E-market Services	Motions to	Act	
☐ 430 Banks and Banking	 □ 120 Marine □ 130 Miller Ac 	ct 31	0 Airplane 5 Airplane Product	☐ 370 Other Fraud	□ 510	Vacate Sentence	Act □ 720 Labor/Mg	gmt.
☐ 430 Banks and Banking ☐ 450 Commerce/ICC	☐ 120 Marine ☐ 130 Miller Ac ☐ 140 Negotiab	et 31	0 Airplane	☐ 370 Other Fraud ☐ 371 Truth in Lending	□ 510	Vacate Sentence Habeas Corpus	Act 720 Labor/Mg Relations	gmt.
☐ 430 Banks and Banking ☐ 450 Commerce/ICC Rates/etc.	 □ 120 Marine □ 130 Miller Ac □ 140 Negotiab □ 150 Recovery 	ct 31	0 Airplane 5 Airplane Product Liability 0 Assault, Libel & Slander	☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal	□ 510 □ 530	Vacate Sentence Habeas Corpus General	Act □ 720 Labor/Mg	gmt.
☐ 430 Banks and Banking ☐ 450 Commerce/ICC	☐ 120 Marine ☐ 130 Miller Ac ☐ 140 Negotiab	ole Instrument of of ment &	0 Airplane 5 Airplane Product Liability 10 Assault, Libel & Slander 10 Fed Employers'	☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage	□ 510 □ 530 □ 535	Vacate Sentence Habeas Corpus General Death Penalty Mandamus/	Act 720 Labor/Mg Relations 730 Labor/Mg Reporting Disclosur	gmt. gmt. g & e Act
□ 430 Banks and Banking □ 450 Commerce/ICC Rates/etc. □ 460 Deportation □ 470 Racketeer Influenced and Corrupt	□ 120 Marine □ 130 Miller Ac □ 140 Negotiab □ 150 Recovery Overpayt Enforcen Judgmen	et 31 31 31 31 31 31 31 31 31 31 31 31 31 3	0 Airplane 5 Airplane Product Liability 10 Assault, Libel & Slander 10 Fed. Employers' Liability	□ 370 Other Fraud □ 371 Truth in Lending □ 380 Other Personal Property Damage □ 385 Property Damage Product Liability	□ 510 □ 530 □ 535 □ 540	Vacate Sentence Habeas Corpus General Death Penalty Mandamus/ Other	Act 720 Labor/Mg Relations 730 Labor/Mg Reporting Disclosur 740 Railway	gmt. gmt. g & e Act Labor Act
□ 430 Banks and Banking □ 450 Commerce/ICC Rates/etc. □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations	□ 120 Marine □ 130 Miller Ac □ 140 Negotiab □ 150 Recovery Overpayr Enforcen Judgmen □ 151 Medicare	et 31 ole Instrument y of 32 ment & 33 nent of 13 t 34 2 Act 33	0 Airplane 5 Airplane Product Liability 10 Assault, Libel & Slander 10 Fed Employers'	□ 370 Other Fraud □ 371 Truth in Lending □ 380 Other Personal Property Damage □ 385 Property Damage Product Liability BANKRUPTCY	□ 510 □ 530 □ 535 □ 540 □ 550	Vacate Sentence Habeas Corpus General Death Penalty Mandamus/ Other Civil Rights	Act 720 Labor/M; Relations 730 Labor/M; Reporting Disclosur 740 Railway	gmt. gmt. g & e Act Labor Act
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Page 1 of 2

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has If yes, list case number(s):	this action been pre	viously filed in this court an	d dismissed, remanded or closed? If No 🗆 Yes		
VIII(b). RELATED CASES: Have If yes, list case number(s):	any cases been prev	riously filed in this court tha	t are related to the present case? S No Yes		
□ C. F	Arise from the same call for determination for other reasons we	or closely related transaction on of the same or substantial ould entail substantial duplic	ns, happenings, or events; or ly related or similar questions of law and fact; or ation of labor if heard by different judges: or <u>and</u> one of the factors identified above in a, b or c also is present.		
• •	alifornia County ou	stside of this District; State i	necessary.) f other than California; or Foreign Country, in which EACH named plaintiff resides. this box is checked, go to item (b).		
County in this District:	agencies of employ	rees is a named plantam. If	California County outside of this District; State, if other than California; or Foreign Country		
UNITED FABRICS INTERNAT	IONAL, INC L	os Angeles County			
(b) List the County in this District; C Check here if the government, its	alifornia County or agencies or employ	ntside of this District; State in yees is a named defendant. I	f other than California; or Foreign Country, in which EACH named defendant resides. If this box is checked, go to item (c).		
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country		
DESIGN COLLECTION, INC			JODI KRISTOPHER, INC New York PRIDE & JOYS, INC New York		
ROSS STORES, INC Californi G.S.L., INC California	ia		MACYS RETAIL HOLDINGS, INC Ohio LARRY HANSEL CLOTHING, LLC - New York		
(c) List the County in this District; C Note: In land condemnation ca County in this District: Los Angeles County			of other than California; or Foreign Country, in which EACH claim arose. ved. California County outside of this District; State, if other than California; or Foreign Country		
* Los Angeles, Orange, San Bernard Note: In land condemnation cases, use	dino, Riverside, Ve	entura, Santa Barbara, or stract of Land involved			
X. SIGNATURE OF ATTORNEY (C	OR PRO PER):	7628	Date 03/24/2011		
Notice to Counsel/Parties: The	e CV-71 (JS-44) Ci	ed by the Judicial Conference	rmation contained herein neither replace nor supplement the filing and service of pleadings the of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ting the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)		
Key to Statistical codes relating to So	cial Security Cases:				
Nature of Suit Code	Abbreviation	Substantive Statement o	of Cause of Action		
861	НІА	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))			
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)			
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))			
863	DIWW	All claims filed for widow Act, as amended. (42 U.S.	ws or widowers insurance benefits based on disability under Title 2 of the Social Security S.C. 405(g))		
864	SSID	All claims for supplemen Act, as amended.	stal security income payments based upon disability filed under Title 16 of the Social Security		
865 RS1 All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (4 U.S.C. (g))					

CV-71 (05/08) CIVIL COVER SHEET Page 2 of 2

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dale S. Fischer and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

CV11- 2541 DSF (PLAx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

111	ouons.		
A	ll discovery related motions	ould be noticed on the calendar of the	Magistrate Judge
_			
_	:========	NOTICE TO COUNSEL	
	py of this notice must be served v a copy of this notice must be ser	the summons and complaint on all defendant on all plaintiffs).	s (if a removal action is
Sub	sequent documents must be filed	ne following location:	
[X]	Western Division 312 N. Spring St., Rm. G-8 Los Angeles, CA 90012	411 West Fourth St., Rm. 1-053	Eastern Division 3470 Twelfth St., Rm. 134 Riverside, CA 92501
Failu	re to file at the proper location will res	your documents being returned to you.	